

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION.**

**FIRST APPEAL NO.81 OF 1995**

The State of Maharashtra : Appellants.

versus

Shri Nijam Sardarbhai Mulani : Respondent.

Mr.B.R.Patil, Acting Government Pleader for the  
State.

None for the respondent.

**CORAM : D.G.DESHPANDE, J.**

**DATED : 2nd May 2005.**

**ORAL ORDER**

1. Heard the learned AGP for the State.  
Nobody is present for the respondent, though  
served. The appeal is filed by the State  
challenging the order of the Reference Court  
enhancing compensation in the Land Acquisition  
Case from Rs.4500/- to Rs.9000/- per hectare.

2. It is true that the Reference Court enhanced the compensation. But that is done by the Reference Court on the basis of the judgment in the earlier Reference Nos. 6, 7 and 8 of 1986 decided on 4th March 1992. That was also the reference in respect of acquisition pursuant to the Notification under Section 4 dated 3rd June 1982. It was also in respect of Jirayat land from the said area and, therefore, when the notification under section 4 in the present case is also 3rd June 1982 and the land acquired in the present appeal is also jirayat land, then the reference Court was justified in enhancing the compensation on the basis of its own earlier judgment. No illegality was committed by the Reference Court. Therefore, no interference is called for. Appeal is dismissed. No order as to costs.

[D.G.DESHPANDE]

02/05/2005

JUDGE.